UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11 May 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) <u>5-14 and 16</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-4 and 15</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Applicant's election with traverse of Species 1 (Claims 1-4) in the reply filed on 11 May

2007 is acknowledged. The traversal is on the ground(s) that "The claims do not have the

mutually exclusive characteristics as the Examiner suggests." This is not found persuasive

because the use of another media-relay server is explicitly included in claims 1-4, which

corresponds to species 1 and directly correlates to Figure 4. The mutually exclusive

characteristics described in the Office Action mailed 23 April 2007 detail what is specifically

required by the claims, and not what "could" be included in the claims, as suggested by

Applicant.

2.   Applicant argues that "Applicant can find no language in claim 5 that indicates such

modifying by the first media-relay server." This argument is not persuasive because the RTP

header modification by the first media-relay server is included in claim 6, which was previously

indicated as part of Species 2 that was described as having this characteristic.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

4.   Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter. Claim 15 is drawn to a data structure in general, which is merely

data. One may only patent something that is a machine, manufacture, composition of matter or a

process, See, e.g. Alappat, 33 F.3d at 1542, 31 USPQ2d at 1556; In re Warmerdam, 33F.3d

1354, 1358, 31 USPQ2d 1754, 1757 (Fed. Cir. 1994). The subject matter courts have found to be

outside of, or exceptions to, the four statutory categories of invention is limited to **abstract**

ideas, laws of nature and natural phenomena. These three exclusions recognize that subject

matter that is not a practical application or use of an idea is not patentable. See, e.g., Rubber-Tip

Pencil Co. v Howard, 87 U.S. (20 Wall.) 498, 507 (1874)("idea of itself is not patentable, but a

new device by which it may be made practically useful is"); Mackay Radio & Telegraph Co. v.

Radio Corp. of America, 306 U.S. 86, 94, 40 USPQ 199, 202 (1939)("While a scientific truth, or

the mathematical expression of it, is not patentable invention, a novel and useful structure

created with the aid of knowledge of scientific truth may be"). While abstract ideas are not

eligible for patenting, methods and products employing abstract ideas may well be.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Baugher, The Secure

Real-Time Transport Protocol. Referring to claim 15, Baugher discloses a secure RTCP data

packet that includes an unencrypted SSRC concatenated with an encrypted RTP header

containing a SSRC, and an encrypted media data packet (Figure 2).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

9.   Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baugher, The

Secure Real-Time Transport Protocol, in view of Minhazuddin, U.S. Publication No.

2004/0073641. Referring to claim 1, Baugher discloses the secure real-time transport protocol

wherein a sender transmits encrypted SRTP packets to a receiver (Page 10). The receiver

receives the encrypted packets (Page 10), which meets the limitation of receiving an Internet

client's encrypted media packet using Real-time Transport protocol (RTP) message format at a

media-relay server. The cryptographic context id included in the packet header (Figure 1)

uniquely identifies the cryptographic information required to process the packet (Page 6, 3.2 &

Page 9), which meets the limitation of retrieving a sending client's Security Association (SA)

using the source information included in the RTP message header. If a valid cryptographic

context cannot be found the packet is dropped (Page 9), which meets the limitation of if no SA

exists, dropping the media packet. If the receiver determines the cryptographic context used

(Page 10, step 1), the packet is decrypted (Page 11, step 6), which meets the limitation of if a SA

does exist, making a copy of the encrypted media packet and decrypting the media packet.

Baugher does not disclose that the encrypted packets are received and decrypted at a server.

Minhazuddin discloses session monitor that receives RTP packets for a network (Figure 2, 224).

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to have the encrypted packets, of Baugher, be received and processed by a network monitor, such

as the session monitor in Minhazuddin, in order to provide the network with a means of

determining network problems while providing instantaneous troubleshooting as taught by

Minhazuddin ([0009]). Baugher further does not describe comparing the SSRC of the decrypted

packet to a stored SSRC associated with the session. Minhazuddin discloses that the session

monitor compares the SSRC of received packets to SSRCs associated with current sessions, and

if they do not match, the packet is not accepted (i.e. dropped)([0039]-[0040]), which meets the

limitation of obtaining a SSRC from the SA, using the SSRC identifier included in the RTP

packet and comparing it with the SSRC obtained from the SA, if the SSRC included in the RTP

packet does not match the SSRC obtained from the SA, dropping the media packet, and if the

SSRC in the RTP packet matches to the SSRC obtained from the SA, forwarding the packet to a

network client. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have the SSRC of the decrypted SRTP packets in Baugher be compared

with SSRC associated with the sessions in a session monitor in order to confirm that the user of

the end point is a legitimate requester by confirming that the session id represents an active

session as taught by Minhazuddin ([0040]). Furthermore, this comparison would occur after the

packet has been decrypted because the SSRC in the encrypted packet of Baugher is included in

the encrypted section of the packet (Page 14, Figure 2).

Referring to claim 2, Baugher discloses that the cryptographic context is determined

based on the network address and port number of the sender contained in the packet header (Page

9), which meets the limitation of the source information retrieved comprises a source Internet

Protocol (IP) address and port number found in the RTP message format. Baugher does not

disclose that the encrypted packets are received and decrypted at a server. Minhazuddin discloses

session monitor that receives RTP packets for a network (Figure 2, 224). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to have the

encrypted packets, of Baugher, be received and processed by a network monitor, such as the

session monitor in Minhazuddin, in order to provide the network with a means of determining

network problems while providing instantaneous troubleshooting as taught by Minhazuddin

([0009]).

Referring to claims 3, 4, Baugher discloses that the data packets can represent audio or

video data (Page 5), which meets the limitation of the media packet comprises audio/video data.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805.

The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin E. Lanier